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HA-09 H-01 INRE-00 INR-01 IO-19 L-03 ADS-00
NSAE-00 NSCE-00 OIC-02 OMB-01 PA-01 PM-01 PRS-01
P-01 RP-10 SNP-01 SP-01 SS-01 TRSE-00 T-01
USIE-00 /059W

-----6209B3 161151Z /38

P 161144Z SEP 92
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 1793
INFO AMEMBASSY ADDIS ABABA PRIORITY
AMEMBASSY BAMAKO PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY BUJUMBURA PRIORITY
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AMEMBASSY LAGOS PRIORITY
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AMEMBASSY NAIROBI PRIORITY
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E.O. 12356: DECL:OADR
TAGS: PREL, AORC, OAU, MOPS, RW, TZRW
SUBJECT: ARUSHA III: CONFUSION IN KIGALI

REFS: A) DAR ES SALAM 5305 B) FLATEN/FULLER
TELCONS

1. C - ENTIRE TEXT.

SUMMARY

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2. GOR NEGOTIATORS IN ARUSHA ARE VIEWED IN KIGALI AS HAVING GONE TOO FAR IN OFFERS TO THE RPF, BY BOTH THE PRESIDENCY/MRND AND THE OPPOSITION/MDR/PL. OPPOSITION SEES A CONSPIRACY BETWEEN HABYARIMANA AND THE RPF, WHILE THE PRESIDENCY SUSPECTS RPF/OPPOSITION COLLUSION. PERHAPS IT IS TIME FOR A RECESS. THE GOR ASKS IF WE CAN HELP THEM COMMUNICATE WITH ARUSHA FOR THE NEXT ROUND. END SUMMARY.

CONCERN AT PRESIDENCY

3. DIRECTOR OF THE PRESIDENT'S CABINET ENOCH RUHIGIRA CAME TO THE RESIDENCE LAST EVENING, SEPTEMBER 15, DEEPLY CONCERNED. HE SHOWED ME THE TEXT OF THE RWANDAN PROPOSAL AT ARUSHA WHICH HE SAID HAD BEEN RECEIVED IN KIGALI FOR THE FIRST TIME LATE IN THE AFTERNOON SEPTEMBER 15. ENOCH SAID THAT THE PROPOSAL AS MADE BY THE RWANDAN NEGOTIATORS IS UNACCEPTABLE TO THE MRND.

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4. IN RESPONSE TO MY REQUEST FOR SPECIFIC PROBLEMS, ENOCH SAID THE FIRST ONE WAS THE LAST PARAGRAPH IN WHICH IT WAS PROPOSED THAT THE PEACE ACCORD TAKE PRECEDENCE OVER THE EXISTING CONSTITUTION. ALTHOUGH I TRIED TO SUGGEST THAT IF ALL PARTIES IN KIGALI WERE AGREED ON THE PEACE ACCORD, THERE WOULD BE NO CONFLICT AND THEREFORE THE PROVISION WAS ESSENTIALLY REDUNDANT. IT DIDN'T WASH. I THEN TRIED TO SUGGEST TO ENOCH THAT INTERNATIONAL AGREEMENTS OR TREATIES TAKE PRECEDENCE OVER DOMESTIC LEGISLATION, A BASIC PRINCIPLE OF INTERNATIONAL LAW. TO THIS ONE ENOCH REPLIED THAT THE ACCORD BEING NEGOTIATED WITH THE RPF IS NOT AN INTERNATIONAL AGREEMENT, BUT RATHER AN INTERNAL ACCORD AMONG RWANDANS.

5. ENOCH SAID THAT THE MEMBERS OF THE CURRENT CND WOULD NEVER ACCEPT THE ABOLITION OF THE CND AND ITS REPLACEMENT BY SOME OTHER BODY.

6. ENOCH ADDED THAT THE PROPOSAL WAS SERIOUSLY FLAWED BY HAVING NO INDICATION OF THE DURATION OF THE TRANSITION PERIOD OR THE DURATION OF THE SUPPOSED NEW PARLIAMENT WHICH WAS TO BE FORMED.

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7. FINALLY ENOCH SAID THAT THE NEGOTIATING TEAM HAD EXCEEDED ITS AUTHORITY, THAT IT HAD BEEN SENT OFF WITH INSTRUCTIONS FOR NEGOTIATING THE PARTICIPATION OF THE RPF IN THE GOVERNMENT, BUT HAD NOT BEEN GIVEN AUTHORITY TO NEGOTIATE THE INCLUSION OF THE RPF IN EITHER THE LEGISLATIVE OR JUDICIAL BRANCHES. OTHER
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PRESIDENCY STAFF TOLD ME THEY THINK THE RPF POSITION HAS BEEN WRITTEN BY OPPOSITION LEADERS IN KIGALI.

8. ENOCH DID NOT GIVE ME THE IMPRESSION THAT THE PRESIDENT WAS ABOUT TO TORPEDO THE TALKS, BUT THAT REMAINS POSSIBLE. HE ASKED IF THERE WAS SOME WAY THAT WE COULD HELP THEM COMMUNICATE DIRECTLY WITH ARUSHA FOR ANOTHER TIME SO THAT THIS APPALLING MISCOMMUNICATION BETWEEN KIGALI AND THE NEGOTIATORS WOULD NOT TAKE PLACE AGAIN, THEREBY IMPLYING THAT THEY WERE PREPARED TO GO BACK FOR ANOTHER ROUND IN ARUSHA FOLLOWING A RECESS THIS WEEK.

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OPPOSITION PARTIES ALSO CONFUSED

9. EARLIER IN THE DAY PL LEADER MUGENZI CAME BY TO COMPLAIN ABOUT WHAT HE HAD HEARD ABOUT THE NEGOTIATIONS ON THE RADIO. MUGENZI'S PERCEPTION WAS THAT THE RPF AND PRESIDENT HABYARIMANA SEEMED TO BE MAKING A DEAL WHICH EXCLUDED THE OPPOSITION PARTIES. "THEY'RE TRYING TO CUT US OUT," HE COMPLAINED. HE SAID THE PARTIES HAD NOT HEARD FROM NGULINZIRA SINCE HE LEFT, NOR HAD THEY HEARD FROM THE PRIME MINISTER WHO IS TRAVELING IN EUROPE. HE THEREFORE ASSUMED THERE WAS A GREAT CONSPIRACY AMONG THE FOREIGN MINISTER, THE PRIME MINISTER AND THE PRESIDENT TO CUT OUT THE OPPOSITION PARTIES. THIS WAS TOTALLY UNACCEPTABLE.

10. MUGENZI ALSO CRITICIZED THE PROPOSAL FOR A NEW

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ELECTED ASSEMBLY, FEARING THAT AS LONG AS THE CURRENT TERRITORIAL ADMINISTRATION INCLUDING BOURGEMESTRES IS IN PLACE, IT WILL BE IMPOSSIBLE TO HAVE A FAIR AND HONEST ELECTION. I TOLD HIM THAT THIS WAS WHY I FELT IT URGENT TO PASS THE ELECTORAL LAW AND TO ESTABLISH "ELECTIONS RWANDA", SO FAIR ELECTIONS CAN BE RUN. MUGENZI, LIKE THE RPF, WOULD BE WILLING TO SEE A NEW ASSEMBLY REPLACING1#01"08'5|.

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11. MDR PRESIDENT TWAGIRAMUNGU TOLD ME SEPTEMBER 14 THAT HE ALSO WAS UNINFORMED ABOUT THE NATURE OF THE NEGOTIATIONS, EVEN THOUGH THE FOREIGN MINISTER IS A MEMBER OF HIS PARTY. HE ALSO NOTED THAT HE HAD NOT BEEN INFORMED THAT THE PRIME MINISTER WAS GOING TO EUROPE UNTIL IT HAD BEEN ANNOUNCED, AND HE HAS HEARD NOTHING FROM THE PRIME MINISTER DURING HIS NEARLY ONE WEEK ABSENCE. TWAGIRAMUNGU WAS NEVERTHELESS ESSENTIALLY OPTIMISTIC ABOUT THE PROCESS THAT WAS UNDERWAY, AND BEGAN EXPLORING SERIOUSLY HOW, WHATEVER INSTITUTIONS ARE CREATED FOR THIS TRANSITION, A REAL SENSE OF RECONCILIATION CAN TAKE PLACE. RECOGNIZING THAT RWANDANS HAVE LITTLE EXPERIENCE IN CANDID DIALOGUE, HE IS LOOKING FOR MECHANISMS FOR CREATING A FREE AND OPEN SOCIETY.

COMMENT

12. FROM THE KIGALI POINT OF VIEW, IT IS TIME FOR A RECESS IN THE NEGOTIATIONS. NOT SURPRISINGLY, THE LEVEL OF SUSPICION AMONG THE KIGALI PLAYERS IS VERY HIGH. MUGENZI WILL NEVER BELIEVE THAT ENOCH AND THE PRESIDENT HAD NOT SEEN THE GOR PROPOSAL BEFORE TUESDAY AFTERNOON. MRND HARDLINERS ARE CONVINCED AT THIS POINT THAT THE RPF NEVER INTENDED TO NEGOTIATE SERIOUSLY AND ARE ONLY CARRYING OUT THE MUSEVENI GRAND STRATEGY OF SHOOT AND TALK, TALK AND SHOOT.

13. TO ME IT LOOKS LIKE THE NEGOTIATORSIAT ARUSHA HAVE MADE REMARKABLE PROGRESS, AND I AM TRYING TO

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 PERSUADE INTERLOCUTORS FROM THE VARIOUS SIDES HERE
 THAT PROGRESS HAS BEEN MADE. THE OBSERVERS SHOULD
 NOT BE DISCOURAGED, BUT RATHER FEEL SATISFIED WITH
 HAVING BROUGHT TWO DISTRUSTFUL PARTIES A LONG WAY IN
 THE EARLY STAGES OF A DIFFICULT NEGOTIATION. A
 NEGOTIATION TO PUT TOGETHER THE COALITION GOVERNMENT
 INTERNALLY TOOK SIX MONTHS; IT WENT THROUGH MOMENTS
 OF CRISES AT LEAST AS DEEP AS THE CURRENT ONE IN
 ARUSHA. IF THE RPF IS NEGOTIATING IN REASONABLE GOOD
 FAITH, I BELIEVE THAT THE PARTIES HERE CAN BE BROUGHT
 TOGETHER TO MAKE A UNIFIED PROPOSAL THAT WILL

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ULTIMATELY PROVIDE REAL POWER SHARING. END COMMENT.
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